

Culberson

By



H. J.R. No. 38

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit or limit the  
2 imposition of certain state and local taxes.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article VIII, Section 1, of the Texas  
5 Constitution is amended to read as follows:

6 Sec. 1. (a) Taxation shall be equal and uniform.

7 (b) All real property and tangible personal property in this  
8 State, whether owned by natural persons or corporations, other than  
9 municipal, shall be taxed in proportion to its value, which shall  
10 be ascertained as may be provided by law.

11 (c) The Legislature may provide for the taxation of  
12 intangible property and may also impose occupation taxes, both upon  
13 natural persons and upon corporations, other than municipal, doing  
14 any business in this State. It may also tax incomes of [both  
15 ~~natural persons and~~] corporations other than municipal, except that  
16 persons engaged in mechanical and agricultural pursuits shall never  
17 be required to pay an occupation tax.

18 (d) The Legislature by general law shall exempt from ad  
19 valorem taxation household goods not held or used for the  
20 production of income and personal effects not held or used for the  
21 production of income. The Legislature by general law may exempt  
22 from ad valorem taxation:

23 (1) all or part of the personal property homestead of  
24 a family or single adult, "personal property homestead" meaning

1 that personal property exempt by law from forced sale for debt; and

2 (2) subject to Subsection (e) of this section, all  
3 other tangible personal property, except structures which are  
4 personal property and are used or occupied as residential dwellings  
5 and except property held or used for the production of income.

6 (e) The governing body of a political subdivision may  
7 provide for the taxation of all property exempt under a law adopted  
8 under Subsection (d)(2) [~~Subdivision-(2)-of-Subsection-(d)~~] of this  
9 section and not exempt from ad valorem taxation by any other law.

10 (f) [~~7-from-ad-valorem-taxation-~~] The occupation tax levied  
11 by any county, city or town for any year on persons or corporations  
12 pursuing any profession or business, shall not exceed one half of  
13 the tax levied by the State for the same period on such profession  
14 or business.

15 SECTION 2. Article VIII of the Texas Constitution is amended  
16 by adding Section 24 to read as follows:

17 Sec. 24. (a) A tax may not be imposed on the net incomes of  
18 individuals unless proposed to the voters by a majority of the  
19 members of each house of the legislature and approved by a majority  
20 of the voters voting in a statewide referendum held on the question  
21 of imposing the tax. If a tax on the net incomes of individuals is  
22 approved by the voters, the rate of the tax may not be increased  
23 unless the increase is proposed to the voters by a majority of the  
24 members of each house of the legislature and approved by a majority  
25 of the voters voting in a statewide referendum held on the question  
26 of increasing the rate.

27 (b) If a tax approved by the voters under this section is

1 repealed and a tax on the net incomes of individuals is not imposed  
2 by this state before one year after the effective date of the  
3 repeal, Subsection (a) of this section applies to the imposition of  
4 a tax on the net incomes of individuals imposed after that period.

5 SECTION 3. Article VIII of the Texas Constitution is amended  
6 by adding Section 25 to read as follows:

7 Sec. 25. (a) This state may not impose at the same time:

8 (1) a tax on the net incomes of individuals; and

9 (2) a retail sales and use tax on tangible personal  
10 property, including motor vehicles, or services.

11 (b) An Act of the legislature to enact a state tax on the  
12 net incomes of individuals is not valid if on the date the tax  
13 becomes effective a state retail sales and use tax on tangible  
14 personal property, including motor vehicles, or services is in  
15 effect.

16 (c) An Act of the legislature to enact a state retail sales  
17 and use tax on tangible personal property, including motor  
18 vehicles, or services is not valid if on the date the tax becomes  
19 effective a state tax on the net incomes of individuals is in  
20 effect.

21 (d) This section does not apply to a tax imposed by a  
22 political subdivision of the state to provide revenue for its own  
23 use.

24 SECTION 4. Article VIII of the Texas Constitution is amended  
25 by adding Section 26 to read as follows:

26 Sec. 26. (a) A local retail sales and use tax on tangible  
27 personal property or services may not be imposed in a political

1 subdivision of this state if imposition of the tax would result in  
2 a combined local retail sales and use tax rate in excess of two  
3 percent of the sales price of an item at any location in the  
4 political subdivision.

5 (b) If more than one local retail sales and use tax is  
6 adopted to take effect on the same date and the imposition of the  
7 taxes would result in a combined local retail sales and use tax  
8 rate in excess of two percent of the sales price of an item at any  
9 location, only the first tax adopted may be imposed and only if  
10 imposition of that tax does not violate Subsection (a) of this  
11 section.

12 SECTION 5. This proposed constitutional amendment shall be  
13 submitted to the voters at an election to be held November 7, 1989.  
14 The ballot shall be printed to provide for voting for or against  
15 the proposition: "The constitutional amendment to prohibit or  
16 limit the imposition of certain state and local taxes."

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to prohibit or limit the imposition of certain state and local taxes.

- JAN 19 1989 1. Filed with the Chief Clerk.
- FEB 7 1989 2. Read first time and referred to Committee on Ways & Means
- 3. Reported favorably (as amended) and sent to Printer at (as substituted)
- 4. Printed and distributed at
- 5. Sent to Committee on Calendars at
- 6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.
- 7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).
- 8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.
- 9. Caption ordered amended to conform to body of resolution.
- 10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

- 11. Ordered Engrossed at
- 12. Engrossed.
- 13. Returned to Chief Clerk at
- 14. Sent to the Senate.  
\_\_\_\_\_  
Chief Clerk of the House
- 15. Received from the House
- 16. Read, referred to Committee on
- 17. Reported favorably
- 18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
- 19. Ordered not printed.
- 20. Regular order of business suspended by (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- 21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- 22. Read second time \_\_\_\_\_ passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 24. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 25. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

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\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 26. Returned to the House.

\_\_\_\_\_ 27. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 31. Ordered Enrolled at \_\_\_\_\_